

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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BRADLEY BARON,

Plaintiff,

- against -

STAMINA PRODUCTS, INC.
and MERCANTILA, INC.,

Defendants.
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ORDER TO SHOW CAUSE

CV 09-4351 (SJF) (AKT)

A. KATHLEEN TOMLINSON, Magistrate Judge:

On February 8, 2010, Plaintiff's former counsel was discharged by Plaintiff. *See* DE 31. Based upon counsel's representations and the documentary support provided to the Court, by Order dated March 1, 2010, I relieved the law firm of Smith Mazure Director Wilkins Young & Yagerman, P.C. as counsel of record for Plaintiff. *See* DE 32. Pursuant to the same Order, discovery in this case was stayed and a Status Conference was scheduled for April 21, 2010, thereby giving Plaintiff more than seven (7) weeks to retain new counsel. *Id.* Plaintiff was informed that if he was unable to retain new counsel by April 21, 2010, then he was required to appear for the Conference himself, and that any failure to appear would result in further action by the Court. *Id.*

Today, April 21, 2010, neither Plaintiff nor an attorney representing Plaintiff appeared in the Courtroom for the scheduled 5:15 p.m. Status Conference. Defendants' counsel appeared by telephone. When Plaintiff did not appear, my Courtroom Deputy placed a call to Plaintiff's former counsel in an attempt to obtain Plaintiff's contact information. My Courtroom Deputy was unable to reach Plaintiff's former counsel. At 5:45 p.m., the case was formally called on the

calendar. Plaintiff still had not appeared and had not made any contact with the Court.

Defendants' counsel reported that she had spoken to Plaintiffs' former counsel earlier today, who confirmed that he had informed Plaintiff of the date and time of today's conference. Defendants' counsel further reported that she had not heard from or had any contact with Plaintiff.

In light of the foregoing circumstances, it is hereby

ORDERED, that plaintiff Bradley Baron is directed to appear in person before this Court, in Courtroom 910 on May 28, 2010 at 10:30 a.m. and show cause why the Court should not recommend to District Judge Feuerstein that this action be dismissed based upon Plaintiff's failure to prosecute his case and comply with the Orders of this Court; and it is further

ORDERED, that counsel for Defendant is also directed to appear at the May 28, 2010 hearing at 10:30 a.m.; and it is further

ORDERED, that Defendants' counsel is directed to serve Plaintiff himself with a copy of this Show Cause Order forthwith and to file proof of service on ECF.

Plaintiff BRADLEY BARON is hereby officially on notice that any failure to appear at the May 28, 2010 Conference, as ordered by this Court, may result in my recommendation to Judge Feuerstein that this case be dismissed, with prejudice, for Plaintiff's failure to adhere to the Court's Orders and to prosecute his claims.

SO ORDERED.

Dated: Central Islip, New York
April 21, 2010

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge

